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09/757,179	01/08/2001	Dennis Boyle	PA1443US	8137

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EXAMINER	
SELBY, GEVELL V	
ART UNIT	**PAPER NUMBER**
2622	

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/757,179	BOYLE ET AL.	
	Examiner	Art Unit	
	Gevell Selby	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 May 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see the amendment, filed 5/15/06, with respect to the rejection(s) of claim(s) 1-24 under 35 U.S.C. 102(e) and 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Narayanaswami, US 6,657,654.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. **Claims 1-15, 18-20, 24, 25, 26, 28, 29, 31, 32, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al, US 6,686,958 in view of Narayanaswami, US 6,657,654.**

In regard to claim 1, Watanabe et al, US 6,686,958, discloses a machine-readable medium (see figure 10, element 70) having embodied thereon an image management program (see column 9, lines 40-45), the program being executable by an handheld electronic device coupled to an image capture device to perform method steps for capturing, controlling and managing an image (see column 7, lines 1-29), comprising:

receiving an image from the image capture device coupled to the handheld electronic device (see column 9, lines 45-47);

managing the display of the captured image on the display screen (see column 9, lines 52-54);

managing the display of a graphical user interface on the display screen, the user interface comprising at least one interactive icon, interactive icon being capable of executing a routine within the program upon activation of said icon by a user (see figures 3 and 4 and column 7, lines 1-23).

The Watanabe reference does not disclose the method having the steps of:

receiving a live image from the image capture device; displaying the live digital image on a display screen constituent to the handheld electronic device; and capturing the live image.

Narayanaswami, US 6,657,654, discloses a camera attached to a handheld electronic device wherein the handheld device performs the steps of:

receiving a live image from the image capture device; displaying the live digital image on a display screen constituent to the handheld electronic device; and capturing the live image (see column 5, lines 45-51).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Watanabe et al, US 6,686,958 in view of Narayanaswami, US 6,657,654, to have the steps of:

receiving a live image from the image capture device; displaying the live digital image on a display screen constituent to the handheld electronic device; and capturing the

live image, in order to preview images before saving them to capture to the desired images and saving space by not have to save unwanted images.

In regard to claim 2, Watanabe et al, US 6,686,958 in view of Narayanaswami, US 6,657,654, discloses the machine-readable medium of claim 1. The Watanabe reference discloses comprising controlling one or more operational modes of the image capture device (see column 9, lines 40-54: two modes: image capture and image transfer).

In regard to claim 3, Watanabe et al, US 6,686,958 in view of Narayanaswami, US 6,657,654, discloses the machine-readable medium of claim 1. The Watanabe reference discloses comprising transmitting said image from said potable electronic device to a remote device (see column 9, lines 49-52).

In regard to claim 4, Watanabe et al, US 6,686,958, in view of Narayanaswami, US 6,657,654, discloses the machine-readable medium of claim 1. The Watanabe reference discloses wherein said program is transferred from the image capture device to the electronic device for execution (see column10, lines 1-7).

In regard to claim 5 - 6, Watanabe et al, US 6,686,958, in view of Narayanaswami, US 6,657,654, discloses the system of claim 1. The Watanabe reference discloses wherein the program is transferred from a FIFO memory to the handheld electronic device for execution (see column 9, lines 49).

The Watanabe reference does not disclose that the FIFO Memory is a magnetic or optical medium.

It is admitted prior art that is well known in the art that magnetic and optical mediums are used is ROMs, in order to be non-volatile storage to save the program when

the camera is turned off. The previous statement was taken as admitted prior art in the previous office action.

It would have been obvious to a person skilled in the art, at the time of invention, to have been motivated to modify Watanabe et al, US 6,686,958, in view of Narayanaswami, US 6,657,654, to have the program transferred from a magnetic medium or optical medium to the handheld electronic device, in order to execute the program on the electronic device.

In regard to claim 7, Watanabe et al, US 6,686,958, in view of Narayanaswami, US 6,657,654, discloses the machine-readable medium of claim 1. The Watanabe reference discloses wherein said handheld electronic device is a wireless device (see figure 1, element 10 and column 4, lines 34-36: the computer has a wireless interface, infrared communication port 10).

In regard to claim 8, Watanabe et al, US 6,686,958, discloses a system for capturing and managing images, comprising:

an handheld electronic device (see figure 10, element 2a), comprising:

a processor (see figure 10, element 43),

a display (see figure 10, element 45), for selectively displaying text, functional icons, and one or more live or stored images (see figures 4 and 5 and column 9, lines 52-54), and

a memory (see figure 10, element 46), for storing said images (see column 9, lines 60-62);

an image capture device (see figure 10, element 1a) removably attached to said electronic device (see column 4, lines 25-27); and

an image management engine loaded into said memory (see column 9, lines 40-45), the image management engine is capable of implementing a plurality of functions for capturing (see column 9, lines 40-50), managing (see column 7, lines 1-29), and viewing said images (see column 9, lines 52-54), the plurality of functions selectable from said functional icons presented on said display (see figures 4 and 5 and column 7, lines 1-29).

The Watanabe reference does not disclose the method having the steps of:

displaying the live digital image on a display screen constituent to the handheld electronic device; and capturing the live image with the image capture device.

Narayanaswami, US 6,657,654, discloses a camera attached to a handheld electronic device wherein the handheld device performs the steps of:

displaying the live digital image on a display screen constituent to the handheld electronic device; and capturing the live image with the image capture device (see column 5, lines 45-51).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Watanabe et al, US 6,686,958 in view of Narayanaswami, US 6,657,654, to have the steps of:

receiving a live image from the image capture device; displaying the live digital image on a display screen constituent to the handheld electronic device;

and capturing the live image with the image capture device, in order to preview images before saving them to capture to the desired images and saving space by not have to save unwanted images.

In regard to claim 9, Watanabe et al, US 6,686,958, in view of Narayanaswami, US 6,657,654, discloses the system of claim 8. The Watanabe reference discloses wherein said electronic device further comprises a transmission source (see figure 10, element 59) for transmitting image data from said electronic device to a remote device (see column 9, lines 49-52).

In regard to claims 10, Watanabe et al, US 6,686,958, in view of Narayanaswami, US 6,657,654, discloses the system of claim 9. The Watanabe reference discloses wherein said transmission source is wireless (see column 4, lines 34-35: infrared communication port 10).

In regard to claims 11, Watanabe et al, US 6,686,958, in view of Narayanaswami, US 6,657,654, discloses the system of claim 10. The Watanabe reference discloses wherein said transmission source is infrared (see column 4, lines 34-35: infrared communication port 10).

In regard to claim 12, Watanabe et al, US 6,686,958, in view of Narayanaswami, US 6,657,654, discloses the system of claim 8. The Watanabe reference discloses wherein said image capture device is a digital camera (see column 9, lines 45-47).

In regard to claim 13 - 14, Watanabe et al, US 6,686,958, in view of Narayanaswami, US 6,657,654, discloses the system of claim 8. The Watanabe reference

discloses wherein the program is transferred from a FIFO buffer to the handheld electronic device for execution (see column 9, lines 49-52).

The Watanabe reference does not disclose that the FIFO buffer is a magnetic or optical medium.

It is admitted prior art that is well known in the art that magnetic and optical mediums are used is ROMs, in order to be non-volatile storage to save the program when the camera is turned off. The previous statement was taken as admitted prior art in the previous office action.

It would have been obvious to a person skilled in the art, at the time of invention, to have been motivated to modify Watanabe et al, US 6,686,958, in view of Narayanaswami, US 6,657,654, to have the program transferred from a magnetic medium or optical medium to the handheld electronic device, in order to execute the program on the electronic device.

In regard to claim 15, Watanabe et al, US 6,686,958, in view of Narayanaswami, US 6,657,654, discloses the system of claim 8. The Watanabe reference discloses wherein said image capture device comprises an internal memory (see figure 10, element 57).

In regard to claim 18, Watanabe et al, US 6,686,958, in view of Narayanaswami, US 6,657,654, discloses the system of claim 8. The Watanabe reference discloses wherein said image management engine presents one or more graphical user interface icons on said display of said electronic device to facilitate management of images (see figures 4 and 5).

In regard to claim 19, Watanabe et al, US 6,686,958, discloses a method for managing live images on an electronic device, comprising:

providing a display for viewing said images on said handheld electronic device (see column 9, lines 52-54);

providing a camera for capturing said images (see column 9, lines 40-49); and

providing one or more image control functions (see column 9, lines 40-45) that execute an image management engine on said handheld electronic device by selecting an icon presented on said display and the icon representing said image control program (see figures 4 and 5 and column 7, lines 1-29).

The Watanabe reference does not disclose the method having the steps of:

displaying the live digital image on a display screen constituent to the handheld electronic device; and capturing the live image with the image capture device.

Narayanaswami, US 6,657,654, discloses a camera attached to a handheld electronic device wherein the handheld device performs the steps of:

displaying the live digital image on a display screen constituent to the handheld electronic device; and capturing the live image with the image capture device (see column 5, lines 45-51).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Watanabe et al, US 6,686,958 in view of Narayanaswami, US 6,657,654, to have the steps of:

receiving a live image from the image capture device; displaying the live digital image on a display screen constituent to the handheld electronic device; and capturing the live image with the image capture device, in order to preview images before saving them to capture to the desired images and saving space by not have to save unwanted images.

In regard to claim 20, Watanabe et al, US 6,686,958, in view of Narayanaswami, US 6,657,654, discloses the method of claim 19. The Watanabe reference discloses further comprising the step of providing a memory (see figure 10, element 46) within said handheld electronic device to store said image after capturing (see column 9, lines 61-63).

In regard to claim 24, Watanabe et al, US 6,686,958, in view of Narayanaswami, US 6,657,654, discloses the method of claim 19. The Watanabe reference discloses further comprising the step of providing a transmission source for transmitting selected image data to a remote device after capturing (see column 9, line 49-52).

In regard to claims 25 and 29, Watanabe et al, US 6,686,958, in view of Narayanaswami, US 6,657,654, discloses the method of claims 19 and 1, respectively. The Watanabe reference does not disclose further comprising the step of providing a transmission source for transmitting selected image data to a second handheld device after capturing.

Narayanaswami, US 6,657,654, discloses further comprising the step of providing a transmission source for transmitting selected image data to a second handheld device after capturing in a video conferencing mode (see column 5, lines 52-61).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Watanabe et al, US 6,686,958, in view of Narayanaswami, US 6,657,654, to have the step of providing a transmission source for transmitting selected image data to a second handheld device after capturing, in order to have the added feature of a video conferencing mode, making the device more versatile for the user.

In regard to claims 26 and 32, Watanabe et al, US 6,686,958, in view of Narayanaswami, US 6,657,654, discloses the method of claim 19 and 1, respectively. The Watanabe reference discloses wherein the camera is a digital camera (see figure 2 and column 4, lines 5-21) and is mechanically plugged into the handheld electronic device (see column 3, lines 62-64).

In regard to claims 28, 31, and 34, Watanabe et al, US 6,686,958, in view of Narayanaswami, US 6,657,654, discloses the method of claim 19 and 1, and 8, respectively. The Watanabe reference discloses wherein said handheld electronic device is a personal digital assistant or computer of hand-held type (see column 1, lines 42-44 and see Narayanaswami: figure 1, element 100).

4. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al, US 6,686,958, in view of Narayanaswami, US 6,657,654, as applied to claim 15 above and further in view of Raney, US 5,581,299.

In regard to claim 16, Watanabe et al, US 6,686,958, in view of Narayanaswami, US 6,657,654, discloses the system of claim 15. The Watanabe and Narayanaswami

references do not disclose wherein said image management engine is pre-loaded in said internal memory of said image capture device.

Raney, US 5,581,299, discloses a system for capturing an managing images, comprising a camera with an internal memory, wherein the image management engine is pre-loaded in said internal memory of said image capture device and its communication program auto senses when it is connected to an external device and uploads itself, the graphics program, and any images to the device (see figure 7, abstract and column 2, lines 40-50).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Watanabe et al, US 6,686,958, in view of Narayanaswami, US 6,657,654, and further in view of Raney, US 5,581,299, wherein said image management engine is pre-loaded in said internal memory of said image capture device, in order to be able to connect the camera to any external device without have to have the programs already installed, creating greater portability.

In regard to claim 17, Watanabe et al, US 6,686,958, in view of Narayanaswami, US 6,657,654, and further in view of Raney, US 5,581,299, discloses the machine-readable medium of claim 16. The Raney reference discloses wherein said image management engine is automatically downloaded and stored in said memory of said handheld electronic device upon attachment of said image capture device to said handheld electronic device (see abstract and column 2, lines 40-50).

5. Claims 21 - 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al, US 6,686,958, in view of Narayanaswami, US 6,657,654, as applied to claim 19 above, and further in view of Wakabayashi et al., US 5,097,285.

In regard to claims 21, 22, and 23, Watanabe et al, US 6,686,958, in view of Narayanaswami, US 6,657,654, discloses the method of claim 19. The Watanabe and Narayanaswami references do not disclose that the image is captured by said camera by programming an automatic timer to capture said image within a user-specified time and to capture a user-specified number of images at a user-specified time interval.

Wakabayashi et al., US 5,097,285, discloses a camera with a self-timer (see column 1, lines 26-28). In self-timer mode the user can specify the number of pictures to be taken when the timer expires by pressing the timer button that number of times (see column 3, lines 1-7). The user can specify whether they want the time of the second and following pictures to be longer than the time of the first picture (see column 3, lines 7-13).

It would have been obvious to a person skilled in the art, at the time of invention, to have been motivated to modify Watanabe et al, US 6,686,958, in view of Narayanaswami, US 6,657,654, and further in view of Wakabayashi et al., US 5,097,285, to have a self timer mode wherein the image is captured by said camera by programming an automatic timer to capture said image within a user-specified time and to capture a user-specified number of images at a user-specified time interval, in order to have time to move from the camera to the position to be photographed as taught by Wakabayashi (see column 3, lines 10-12).

6. Claims 27, 30, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al, US 6,686,958, in view of Narayanaswami, US 6,657,654, as applied to claims 19, 1, and 8 above, and further in view of Parulski et al., US 5,943,603.

In regard to claims 27, 30, and 33, Watanabe et al, US 6,686,958, in view of Narayanaswami, US 6,657,654, discloses the method of claim 19, 1 and 8, respectively. The Watanabe and Narayanaswami do not disclose wherein said handheld electronic device is a cell phone.

Parulski et al., US 5,943,603, discloses a camera coupled to a PDA or portable computer that is has a cellular transceiver (see abstract).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Watanabe et al, US 6,686,958, in view of Narayanaswami, US 6,657,654, and further in view of Parulski et al., US 5,943,603 to be a cellular phone in order to transmit image wirelessly, allowing the user to be mobile with the device making it more versatile.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 571-272-7369. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

gvs

VIVEK SRIVASTAVA
PRIMARY EXAMINER